

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Case No. 1:23-cv-00423-WO-JLW

TIMIA CHAPLIN, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	<b>ANSWER AND DEFENSES OF</b>
	)	<b>THE OHIO CASUALTY</b>
GARY L. MCFADDEN , <i>et al.</i> ,	)	<b>INSURANCE COMPANY</b>
	)	
Defendants.	)	
_____	)	

**Answer**

COMES NOW Defendant The Ohio Casualty Insurance Company and answers the Second Amended Complaint as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
3. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
6. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

12. Admitted, upon information and belief.

13. Admitted only to the extent that the allegations accurately reflect the applicable statutes; otherwise, denied.

14. Admitted, upon information and belief.

15. Admitted, upon information and belief.

16. Admitted, upon information and belief.

17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

18. Admitted, upon information and belief.

19. Admitted only to the extent that the allegations accurately reflect the applicable statutes; otherwise, denied.

20. Admitted, upon information and belief.

21. Admitted, upon information and belief.
22. Admitted, upon information and belief.
23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
24. Admitted, upon information and belief.
25. Admitted only to the extent that the allegations accurately reflect the applicable statutes; otherwise, denied.
26. Admitted, upon information and belief.
27. Admitted, upon information and belief.
28. Admitted, upon information and belief.
29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
30. Admitted only that Defendant The Ohio Casualty Insurance Company, provided a surety bond for Sheriff McFadden. Otherwise, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
31. Admitted only that Defendant provided surety bonds for Sheriff Rowe and Sheriff Estes. Otherwise, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.
34. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

57. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

60. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

61. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

62. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

64. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

65. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

66. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

68. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

69. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

70. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

72. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

73. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

74. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

75. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

77. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

78. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

79. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

80. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

81. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

82. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

83. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

84. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

85. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

86. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

87. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

88. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

89. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

90. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

91. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.



92. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

99. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

100. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

101. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

103. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

104. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

105. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

106. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

107. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

108. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

109. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

112. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

113. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

114. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

115. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

116. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

117. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

118. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

120. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

121. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

123. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

124. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

125. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

126. Defendant is without knowledge or information sufficient to form a belief as to the

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127. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

128. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

129. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

130. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

131. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

132. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

133. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

134. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

135. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

136. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

138. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

139. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

140. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

141. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

142. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

143. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

144. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

145. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

146. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

147. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

148. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

149. Defendant is without knowledge or information sufficient to form a belief as to the

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150. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

151. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

152. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

153. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

154. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

155. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

156. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

157. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

158. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

159. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

160. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

161. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

162. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

163. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

164. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

165. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

166. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

167. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

168. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

169. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

170. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

171. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

172. Defendant is without knowledge or information sufficient to form a belief as to the

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173. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

174. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

175. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

176. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

177. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

178. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

179. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

180. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

181. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

182. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

183. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.



184. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

185. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

186. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

187. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

188. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

189. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

190. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

191. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

192. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

193. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

194. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

195. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

196. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

197. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

198. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

199. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

200. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

201. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

202. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

203. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

204. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

205. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

206. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

207. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

208. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

209. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

210. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

211. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

212. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

213. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

214. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

215. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

216. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

217. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

218. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

219. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

220. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

221. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

222. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

223. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

224. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

225. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

226. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

227. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

228. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

229. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

230. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

231. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

232. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

233. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

234. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

235. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

236. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

237. Defendant restates the foregoing answers and defenses herein.

238. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

239. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

240. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

241. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

242. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

243. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

244. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

245. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

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248. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

249. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

250. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

251. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

252. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

253. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

254. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

255. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

256. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

257. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

258. Defendant restates the foregoing answers and defenses herein.

259. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

260. Admitted, upon information and belief.

261. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

262. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

263. Admitted.

264. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

265. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

266. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

267. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

268. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

269. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

270. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

271. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

272. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

273. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

274. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

275. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

276. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

277. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

278. Defendant is without knowledge or information sufficient to form a belief as to the



truth of the allegations in this paragraph; therefore, denied.

279. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

280. Defendant restates the foregoing answers and defenses herein.

281. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

282. Admitted, upon information and belief.

283. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

284. Admitted.

285. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

286. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

287. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

288. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

289. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

290. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

291. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

292. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

293. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

294. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

295. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

296. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

297. Defendant restates the foregoing answers and defenses herein.

298. Admitted only to the extent that the allegation accurately reflects the terms of the referenced bonds; otherwise, denied.

299. Admitted only to the extent that the allegation accurately reflects the terms of the referenced bonds; otherwise, denied.

300. Admitted only to the extent that the allegation accurately reflects the terms of the referenced bonds; otherwise, denied.

301. Admitted only to the extent that the allegation accurately reflects the terms of the referenced bonds; otherwise, denied.

302. Admitted only to the extent that the allegation accurately reflects the terms of the reference bonds; otherwise, denied.

303. Admitted only to the extent that the allegation accurately reflects the terms of the

reference bonds; otherwise, denied.

304. Admitted only to the extent that the allegation accurately reflects the terms of the reference bonds; otherwise, denied.

305. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

306. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

307. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

308. Defendant restates the foregoing answers and defenses herein.

309. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

310. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

311. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

312. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

313. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

314. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

315. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

316. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

317. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

318. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

319. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

320. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

321. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

322. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

323. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

324. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

325. Defendant restates the foregoing answers and defenses herein.

326. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

327. Defendant is without knowledge or information sufficient to form a belief as to the

truth of the allegations in this paragraph; therefore, denied.

328. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

329. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

330. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

331. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

332. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

333. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

334. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

335. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

336. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph; therefore, denied.

### **First Further Answer and Defense**

The claims against Defendant, whose liability is derivative of Sheriff McFadden, Sheriff Estes, and Sheriff Rowe, should be dismissed for failure to state a claim upon which relief may be granted.

### **Second Further Answer and Defense**

Any claims against Defendant, which Defendant denies, are limited to the penal sum of the Bond. Further, Defendant, in its capacity as surety, is not liable beyond the express terms of its Bond. Any claims not covered by the Bond are barred as a matter of law.

### **Third Further Answer and Defense**

Any claim against Defendant for costs and/or attorneys' fees should be dismissed, as a matter of law, for failure to state a claim upon which relief may be granted. *Martin v. Hartford Accident & Indemnity Co.*, 68 N.C. App. 534 (1984).

### **Fourth Further Answer and Defense**

If any Plaintiff has failed to mitigate damages or to timely notify defendant of the alleged loss, then such failure is a complete or partial bar to recovery by any such Plaintiff on the Bond.

### **Fifth Further Answer and Defense**

If it is determined that any applicable statute of limitations has expired, the Plaintiffs' claims are barred.

### **Sixth Further Answer and Defense**

Defendant reserves and does not waive any additional or further defenses as may be revealed by future claims brought against Defendant and by additional information acquired during discovery or otherwise.

### **Seventh Further Answer and Defense**

Defendant reserves and does not waive its contractual and common law rights to pursue indemnity against its principals Sheriff McFadden, Sheriff Estes, and Sheriff Rowe.

### **Eighth Further Answer and Defense**

To the extent that Sheriff McFadden, Sheriff Estes, or Sheriff Rowe do not adequately

represent Defendant's interests, Defendant in its capacity as surety pleads and asserts any and all defenses of its principals, including but not limited to:

1. The defense that none of the alleged losses, including but not limited to the losses complained of in the Second Amended Complaint, were caused by the breach of any applicable standard of care or fiduciary duty owed to the Plaintiffs or to Mecklenburg, Lee, or Wake Counties.

2. The defense that some or all of the alleged losses were proximately caused by persons other than Defendant's principals.

3. The defense that, if any Plaintiff failed to mitigate damages or to timely notify Defendant of the alleged loss, then such failure is a complete or partial bar to recovery by such Plaintiff.

4. The defense that the Plaintiffs' claims are barred by the doctrines of waiver, laches, and estoppel.

5. The defense that, if it is determined that any applicable statute of limitations has expired, the Plaintiffs' claims are barred.

This the 20th day of March, 2024.

/s/Frederick M. Thurman, Jr.

Frederick M. Thurman, Jr.

N.C. Bar No. 26159

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*Attorneys for Defendant*

*The Ohio Casualty Insurance Company*

## **CERTIFICATE OF SERVICE**

The undersigned does hereby certify that the foregoing has been served via the Court's online filing system on all counsel of record.

This the 20th day of March, 2024.

/s/Frederick M. Thurman, Jr.

Frederick M. Thurman, Jr.

N.C. Bar No. 26159

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